

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Advanced Methods to Target and	)	CG Docket No. 17-59
Eliminate Unlawful Robocalls	)	

**REPLY COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION**

NCTA – The Internet & Television Association (NCTA) supports the comments filed by numerous parties seeking additional authorization for voice providers to block calls that are suspected to be unlawful robocalls. The record demonstrates that the Commission can make progress on fighting unlawful robocalls by identifying targeted situations where the consumer benefits of permitting blocking will outweigh any risk of interference with lawful calls. In particular, the Commission should permit, but not mandate, blocking pursuant to objective criteria developed by providers or industry standard-setting bodies, including the SHAKEN/STIR protocol.

Historically the Commission strongly discouraged telecommunications providers from blocking calls, a policy that made it difficult for providers to protect their customers from the scourge of illegal robocallers. In 2017, the Commission recognized that blocking of suspected illegal robocalls by voice providers could be an important tool in protecting consumers, and consequently it authorized call blocking in certain defined circumstances where the potential benefit to consumers is high and the risk of interfering with lawful calls is low.<sup>1</sup> These new policies were supported by voice providers and consumer advocates.<sup>2</sup>

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<sup>1</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706, 9709, ¶ 9 (2017) (*Call Blocking Order and Further Notice*).

<sup>2</sup> *Id.* at 9710, ¶ 11.

The *Notice* seeks to refresh the record on experience with the current call blocking rules and asks whether additional blocking would be beneficial.<sup>3</sup> In response, some voice providers explained how they are starting to implement call blocking in their networks.<sup>4</sup> Many voice providers also identified additional situations in which the ability of a provider to block calls could be beneficial to its customers.<sup>5</sup>

NCTA agrees with parties that have identified additional circumstances in which the flexibility to block or otherwise identify unlawful robocalls would be beneficial. For example, NCTA supports proposals to permit blocking pursuant to objective criteria developed by providers or industry standards bodies. As explained by Charter, due to the “rapid pace at which technology evolves, and the speed at which electronic harassment can shift to avoid detection, voice service providers and industry standards-setting bodies are best equipped to efficiently adapt and implement effective solutions to combat fraudulent and abusive practices.”<sup>6</sup> At the same time, we agree with CTIA that it is important for the Commission “*not* to dictate specific criteria but, instead, to allow carriers to make call blocking determinations.”<sup>7</sup>

In particular, the Commission should adopt a rule expressly authorizing voice providers to block unauthenticated calls where authentication fails, and the originating and terminating providers have implemented SHAKEN/STIR for the type of call at issue.<sup>8</sup> The SHAKEN/STIR

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<sup>3</sup> Public Notice, *Consumer and Governmental Affairs Bureau Seeks to Refresh the Record on Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, DA 18-842 (rel. Aug. 10, 2018) (*Notice*).

<sup>4</sup> See, e.g., Comcast Comments at 1-2 (“[V]oice providers have already begun implementing these Commission-authorized blocking techniques on their networks – with substantial success”); AT&T Comments at 4-9.

<sup>5</sup> Charter Comments at 4-5; Comcast Comments at 3-9.

<sup>6</sup> Charter Comments at 5.

<sup>7</sup> CTIA Comments at 5 (emphasis in original). As CTIA explains, “there is no one-size-fits-all solution” to robocalls and a significant risk that “[b]ad actors will innovate around rule-based criteria.” *Id.*

<sup>8</sup> See Charter Comments at 4; Comcast Comments at 5.

call authentication protocol developed by the industry through ATIS represents a promising method of identifying unlawful robocalls. Voice providers that implement SHAKEN/STIR will be able to identify for their customers calls that are not properly authenticated and, if the Commission were to adopt the proposed rule, block such calls.<sup>9</sup> As Charter explains, such an approach is warranted because the extensive testing of SHAKEN/STIR that is underway will ensure that such calls are “highly likely to be illegal.”<sup>10</sup>

NCTA’s support for policies that would give voice providers additional authority to block calls should not be read as a lack of concern for dealing with the problem of false positives. NCTA explained in previous comments that the cable industry supports the Commission’s view that erroneously blocked calls should be “unblocked as quickly as possible and without undue harm to callers and consumers,”<sup>11</sup> and we encouraged the Commission to “monitor voice service provider activity and consumer response and then determine whether, and what types of, additional rules may be necessary in the future.”<sup>12</sup> NCTA agrees with CTIA, however, that regulatory mandates may be “premature and unnecessary” at this time, particularly in light of the questions CTIA has raised as to the relationship, if any, between the limited blocking that exists today and complaints from some parties about falling call completion rates.<sup>13</sup> The better approach, as suggested by USTelecom, may be to rely on the “growing awareness” and “increasing cooperation” that is taking place across a “broad range of stakeholders” to ensure

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<sup>9</sup> As explained by Comcast, it is not clear at this point whether, and under what circumstances, consumers will prefer labelling of unlawful robocalls or blocking of such calls. Accordingly, at this time, the better approach is to give providers flexibility rather than mandating one approach or another. *See* Comcast Comments at 9. *See also* USTelecom Comments at 4-5.

<sup>10</sup> Charter Comments at 4, *quoting* Notice at 2.

<sup>11</sup> Comments of NCTA – The Internet & Television Association (filed Jan. 23, 2018 ) (NCTA Jan. 23 Comments) at 2, *quoting* *Call Blocking Order and Further Notice*, 32 FCC Rcd at 9726, ¶ 57.

<sup>12</sup> NCTA Jan. 23 Comments at 2.

<sup>13</sup> CTIA Comments at 20-23.

that issues regarding false positives are “effectively and efficiently addressed.”<sup>14</sup> Relatedly, the Commission should establish a safe harbor for entities acting in good faith from enforcement actions for inadvertently blocking a legitimate call. Absent a safe harbor, voice providers may be reluctant to implement reasonable robocall mitigation techniques that, while highly effective, may not be completely error-free and could otherwise expose providers to enforcement action for inadvertently blocked calls.

For all the reasons explained above, the Commission should authorize additional call blocking under the conditions identified in these reply comments.

Respectfully submitted,

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<sup>14</sup> USTelecom Comments at 10.